



## ***CITY OF MIAMI SPRINGS, FLORIDA***

The regular meeting of the **Miami Springs Code Enforcement Board** was held on **Tuesday, November 2, 2010** at 7:00 p.m. in the Council Chambers at City Hall.

### **1) Call to Order/Roll Call**

The meeting was called to order at 7:00 p.m. by Chairman Marlene B. Jimenez.

Present: Chairman Marlene B. Jimenez  
Jacqueline Martinez-Regueira  
John Bankston  
Rhonda Calvert  
Robert Williams  
Walter Dworak

Also Present: Code Compliance Officer Harold (Tex) Ziadie  
Code Compliance Officer Lourdes Taveras  
Council Liaison-Councilwoman Jennifer Ator

Absent: Vice-Chairman Raul Saenz

### **2) Invocation/Salute to the Flag**

All present participated.

### **3) Approval of Minutes:**

Minutes of the September 7, 2010 meeting were **approved as written**.

**Board member John Bankston moved to approve the minutes of September 7, 2010. Member Robert William seconded the motion, which was passed unanimously by acclimation, all members voting “aye”.**

All present who were to give testimony were sworn in by Tex Ziadie, acting as Clerk of the Board.

#### 4) OLD BUSINESS-

- 1) Case# 08-2178  
Address: 240 Lenape Drive  
Owner: Domingo Santana & Milagros Solis  
Violation: Section 151-04 Work Without a Permit

Code Compliance Officer Tex Ziadie presented the case as follows:

On Sept. 7, 2010 this case was heard by CEB and the following decision was made: Board member Jacqueline Martinez-Regueira made a motion to grant Ms Solis until the date of the Code Enforcement Board meeting in November (November 2, 2010) to come into compliance. If she does not, she will be summoned back to the Board at that meeting for further action by the Board. Member John Bankston seconded the motion and it passed unanimously on roll call vote.

On Oct. 21, 2010 we checked the Building Permit File and no action had been taken or revisions submitted since the last meeting on Sept. 7, 2010. At that time we issued a Summons to Appear in front of the Code Enforcement Board on Nov. 2, 2010, sent via Cert. Mail, regular mail and police service.

The Board was asked if they wished to hear the original narrative of the case and they said no, but They wanted to see the pictures. The pictures were displayed.

Ms Solis approached the dais and was asked by the Chairman what her current status was with the bank and getting the financing to finish the work. Ms Solis stated that she was still waiting and that she still had not gotten any approval from the bank. Member Jacqueline Martinez-Regueira stated that she was extremely concerned about the electric lines that were Shown as hanging down in the pictures. She was concerned for the safety of Ms Solis and her Neighbors as the lines could have a problem if they were not to Code and cause a fire. Ms Solis Said that FPL had changed the meter and they had no problem with the lines as they were. She also said that many of the lines in the picture (which is two years old) had been removed and they were not electric lines, but lines for cable, phone, etc. Member Martinez-Regueira stated her concern several more times. The Board asked Ms Solis how much more time she needed. She said that she had no idea what the bank would do. The Chairman asked Officer Ziadie what the status was as far as Code Compliance was concerned. He responded that their only concern was to get the permitting finalized so that the work could be completed and inspected.

**Member Rhonda Calvert made a motion that Ms Solis be granted until the March Code Enforcement Board meeting to come into compliance. In the meantime an inspection would be done by Officer Taveras and the Electrical Inspector to determine if there were any safety concerns with the electrical hookup. Member Jacqueline Martinez-Regueira seconded the motion and it passed unanimously on roll call vote.**

## 5) NEW BUSINESS-CASES

- 1)      Case#            10-1494  
         Address:        1289 Quail Avenue  
         Owner:          Maria B. and E. Mendoza  
         Violation:       Section 54-04 Tree Pruning Standards

Code Compliance Officer Tex Ziadie presented the case as follows:

On September 28, 2010 based on a report from the City Arborist Tom Nash advising that a Royal Poinciana tree had been hat racked, Officer Lourdes Taveras inspected the tree and it was improperly trimmed and possibly permanently damaged. Officer Taveras issued a Uniform Civil Violation Notice #2261 in the amount of \$250.

On Oct. 13, 2010 our office received an application Request for Reduction of Fine. The hearing was scheduled for this meeting.

On October 21, 2010 we mailed a copy of the Agenda for meeting of November 2, 2010 to the property owner.

Mrs. Mendoza approached the dais. She was asked by the chairman if she knew that she had to get a permit for trimming the tree. Officer Ziadie clarified that a permit was not needed for trimming a tree, but the improper cutting was the violation. Mrs. Mendoza said that she was not aware and that they had cut the tree in the past, but not to this extent. She said that recently the tree was hanging over their house and it caused damage and they ended up having a leak in their roof. She said they wanted to cut the limbs that were hanging over her house and over her neighbor as well. She didn't realize they would cut to that extent or that it would be a violation. There was discussion with the Board as to what Mrs. Mendoza could do to avoid another problem in the future. She was advised to call Tom Nash so that he could guide her as to what could be done to further protect her house without violating the Code. There was also discussion about past cases and the Board members felt that they could not reduce fines on cases like this unless there were extenuating circumstances.

**Member Jacqueline Martinez-Regueira made a motion that the fine be upheld. Member Robert Williams seconded the motion and it passed unanimously on roll call vote.**

- 2)      Case#            09-1552  
         Address:        1259 Bluebird Avenue  
         Owner:          Pedro and Maira Gonzalez  
         Violation:       Section 150-013 Residential planting,  
         fences & walls.

Code Compliance Officer Tex Ziadie presented the case as follows:

On June 17, 2009 during routine daily inspections Officer Lourdes Taveras noticed that new ficus plants were planted on the rear side yard of the property, the new plants still had the tags on them. Officer Taveras called out to a lady in the rear yard but she made a sign that she could not talk to her. Officer Taveras took pictures and posted a Courtesy Notice on the door.

On June 23, 2009 at approximate 2:23 PM Officer Taveras received a call from Ms. Maira Gonzalez. Mrs. Gonzalez was very upset and was saying on the phone that she spent \$800 to plant the new ficus plants and that she was not going to remove them because President Obama said that in these tough economic times everyone had to fend for themselves. She further said that if the City wanted them removed that they could remove them and plant something else. She also mentioned her neighbor's violations and that she would not comply until her neighbor was made to comply. She insinuated that someone in the City is getting paid to allow the neighbor to continue to violate the code. After 15 minutes of discussion along the same lines, Officer Taveras thanked Mrs. Gonzalez and advised her that she would follow up on the case.

On July 2, 2009 the ficus hedges had not been removed. On July 29, 2009 ficus hedges still had not been removed. On Aug. 3, 2009 a Notice of Violation was issued via certified Mail, regular mail and posting at the property. On Aug. 20, 2009 on a re-inspection showed that the new ficus plants were not removed and it seemed that other taller ficus plants were planted on the East and West side yard area.

On Aug. 5, 2010 a follow up inspection was performed and the new ficus plants were still in place and about 5 feet tall. A Notice of Violation was sent via Certified mail and regular mail. The owners were granted another 15 days to remove the ficus plants or the case would be referred to the Code Enforcement Board. On Sept. 24, 2010 there was still no compliance. On Oct. 21, 2010 we issued a Summons to Appear before the Board at this meeting via certified mail, regular mail and Police service.

Mister Pedro Gonzalez approached the dais. He stated that he has had those ficus trees for years and only a small section was replaced. He said that his neighbor's Jacuzzi had been leaning against his fence for years and Code Enforcement didn't do anything about it. That Jacuzzi caused his ficus bushes to die. After the neighbor sold the house and took the Jacuzzi with him he replaced the ficus hedges. He said that he didn't understand why we picked on ficus and he felt that he was being singled out. Officer Ziadie explained that the Code was written because ficus roots are so invasive and they spread out under the ground and get into sewer lines and cause a lot of damage. Officer Ziadie also clarified that the neighbor's ficus hedges had been there prior to the Code being written and they were grandfathered in. It was explained to Mister Gonzalez that Code Compliance had cited numerous cases like this in the past and some of them had come before the Board just like this one. Mister Gonzalez said that some of his other bushes had been there much longer. Officer Taveras stated that she understood that and that only the ficus hedges that had been planted recently had to be removed.

**Board member John Bankston made a motion that Mister Gonzalez be given until March 1, 2011 to come into compliance. If he does not, then a fine of \$25 per day would be levied, starting March 1<sup>st</sup>. Member Jacqueline Martinez-Regueira seconded the motion and it passed unanimously on roll call vote. The Board asked that Officer Taveras meet with Mister Gonzalez so that he could be shown exactly which bushes had to be removed. Officer Ziadie gave Mister Gonzalez his card and asked him to call and schedule and appointment for that meeting at his convenience.**

**6) Council Liaison Report and Request**

Councilwoman Ator was present. She approached the dais and thanked the members for their service. She also stated that the tree Ordinance had been changed recently and although she had voted against it the Ordinance now allowed removal of “any tree that fruits.” She said that she feels that the Code is too vague and she does not feel that it would stand up under a challenge. She said that she thought the City Attorney agreed with her. She also said that Eric Richey was working on a new presentation for revising the Ordinance and that he had spoken to the people at Miami-Dade County. Finally she cautioned the Board and Code Compliance against giving legal advice to people before the Board. She felt that this had been done in the case of the hat racking of the tree. She understood that hat racking was bad, but with the vagueness of the Code, she thought that we needed to speak to the City Attorney to get clarification about what we should be saying currently.

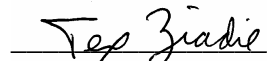
**SUNSHINE LAW DVD PRESENTATION**

All members viewed the Sunshine Law DVD at the prior meeting, with the exception of Vice-Chairman Raul Saenz.

**7) Adjournment**

There being no further business the meeting was duly adjourned at 8:14 p.m.

Respectfully Submitted:

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Tex Ziadie  
Code Compliance Officer  
Supervisor-Building Department  
Acting as Clerk of the Board

Approved as written during meeting of: 06-07-2011

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.